

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

GWENEVERE J. BENNETT,

Plaintiff,

v.

5:18-cv-00145-RWS

CBE COMPANIES, INC.
d/b/a THE CBE GROUP,

Defendant.

PROPOSED DOCKET CONTROL ORDER

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

3 DAYS after conclusion of Trial	Parties to file Motion to Seal Trial Exhibits , if they wish to seal any highly confidential exhibits. EXHIBITS: See Order Regarding Exhibits below.
Trial Date February 24, 2020	9:00 a.m. JURY TRIAL before Judge Robert W. Schroeder III, [], Texas. For planning purposes, parties shall be prepared to start the evidentiary phase of trial immediately following jury selection.
February 18, 2020	9:00 a.m. JURY SELECTION before Judge Robert W. Schroeder III, [], Texas.
February 4, 2020	10:00 a.m. PRETRIAL CONFERENCE before Judge Robert W. Schroeder III, [], Texas. Discuss trial logistics and <i>voir dire</i> procedure. Resolve any pending motions or objections. Lead trial counsel must attend the pretrial conference.
February 17, 2020	File a Notice of Time Requested for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.
January 24, 2020	File Responses to Motions <i>in Limine</i>.

January 17, 2020	<p>File Motions <i>in Limine</i> and pretrial objections.</p> <p>The parties are ORDERED to meet and confer to resolve any disputes before filing any motion <i>in limine</i> or objection to pretrial disclosures.</p>
January 17, 2020	<p>File Joint Final Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials.</p> <p>Parties shall use the pretrial order form on Judge Schroeder's website.</p> <p>Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench.</p>
January 10, 2020	Exchange Objections to Rebuttal Deposition Testimony.
January 3, 2020	<p>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court.</p>
January 3, 2020	<p>Exchange Rebuttal Designations and Objections to Deposition Testimony.</p> <p>For rebuttal designations, cross examination line and page numbers to be included.</p> <p>In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.</p>
December 20, 2019	<p>Exchange Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof.</p> <p>Video and Stenographic Deposition Designation due. Each party who proposes to offer deposition testimony shall serve a disclosure identifying the line and page numbers to be offered.</p>
<p>To be assigned by the Court</p> <p>Court designated date – not flexible without good cause - Motion Required</p>	<p>10:00 a.m. HEARING ON ANY REMAINING DISPOSITIVE MOTIONS (INCLUDING <i>DAUBERT</i> MOTIONS) before Judge Robert W. Schroeder III, [], Texas.</p>

December 10, 2019	<p>Any Remaining Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions).</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p> <p>For each motion filed, the moving party SHALL provide the Court with one (1) copy of the completed briefing (opening motion, response, reply, and if applicable, surreply), excluding exhibits, in a three-ring binder appropriately tabbed. All documents shall be double-sided and must include the CM/ECF header. These copies shall be delivered to Judge Schroeder's chambers in Texarkana as soon as briefing has completed.</p> <p>Respond to Amended Pleadings.</p>
December 3, 2019	Parties to Identify Rebuttal Trial Witnesses.
November 26, 2019	<p>Parties to Identify Trial Witnesses; Amend Pleadings (after <i>Markman</i> Hearing).</p> <p>It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the deadline. However, except as provided in Patent Rule 3-6, if the amendment would affect infringement contentions or invalidity contentions, a motion must be made pursuant to Patent Rule 3-6 irrespective of whether the amendment is made prior to this deadline.</p>
November 19, 2019	Expert Discovery Deadline.
November 5, 2019	<p>Parties designate rebuttal expert witnesses (non-construction issues), rebuttal expert witness reports due. Refer to Local Rules for required information.</p> <p>If, without agreement, a party serves a supplemental expert report after the rebuttal expert report deadline has passed, the serving party must file notice with the Court stating service has occurred and the reason why a supplemental report is necessary under the circumstances.</p>
October 22, 2019	Final Election of Asserted Prior Art.
October 15, 2019	Parties with burden of proof designate expert witnesses (non-construction issues). Expert witness reports due. Refer to Local Rules for required information.
October 15, 2019	Fact discovery deadline.
2 Days	EXPECTED LENGTH OF TRIAL